

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, **Michael C. Soto**, being duly sworn, do hereby depose and state the following:

1. I am a Border Patrol Agent with the United States Border Patrol and have been so employed since February 23, 2003. As a Border Patrol Agent, I have gained experience in conducting investigations related to the illegal entry of aliens into United States jurisdiction. I attended the Federal Law Enforcement Training Center at Charleston, South Carolina, where I received training for the purpose of accomplishing my Border Patrol duties, which include training in immigration related law and matters. Furthermore, I also receive training on a continuing basis for the purpose of maintaining my proficiency pertaining to Border Patrol work.

2. Investigation reveals that, on April 28, 2019, **Juan Fernando MERCEDES-Bueno** illegally re-entered the United States and was found in Aguadilla, Puerto Rico. Therefore, this Affidavit is made in support of a Criminal Complaint against **MERCEDES-Bueno** based on violation of Title 8, *United States Code*, Section 1326(a), reentry of a removed alien.

3. I make this affidavit based on my own personal knowledge and on oral and written reports by other federal, state, and/or local law enforcement agents and officers that investigated this matter. This affidavit does not contain all the information derived from this investigation, only that which is sufficient to demonstrate probable cause to believe that a crime has been committed.

PROBABLE CAUSE

4. On April 28, 2019, A Ramey Station Border Patrol Agent (BPA) was patrolling and working the area of Aguadilla, Puerto Rico. At approximately 8:00 a.m., a homemade vessel, also known as “yawl” or “yola,” made landfall with an undetermined amount of illegal aliens in the area known as “Las Ruinas” in Aguadilla, Puerto Rico. No apprehensions were made from that maritime smuggling event at the time it landed and when it was discovered. However, at approximately 1:00 p.m., the BPA encountered a suspicious vehicle on the shoulder of Borinquen Avenue, also known as Road 107, near Gate 1 of Ramey Base. The vehicle was a 2017 Hyundai Tucson Sport, burgundy in color, bearing license plate IWV-187.

5. The BPA safely approached the vehicle and identified himself as a Border Patrol Agent. Upon approaching the vehicle, the BPA asked the driver if everything was ok, and asked if they needed any help or assistance, and if they were lost. The driver and the person seated in the passenger’s seat (occupants) indicated that everything was fine. The BPA asked if they were from the area, to which they replied that they were from Carolina, Puerto Rico. The BPA asked them where they were from, in regards to their nationality, and both persons replied that they were naturalized United States citizens.

6. The BPA asked the driver if he could lower the rear left side window in order to interview the two male subjects on the back seat of the vehicle. The BPA conducted an immigration inspection on the two male subjects, one of them later identified as **Juan Fernando MERCEDES-BUENO**. MERCEDES-Bueno freely admitted that he was illegally present in the United States, and that he had arrived illegally earlier that morning in a “yola.”

7. **MERCEDES-BUENO** was arrested and transported to the Ramey Border Patrol Station in Aguadilla, Puerto Rico, for further investigation, processing and removal proceedings.

8. At the Ramey Border Patrol Station, **MERCEDES-Bueno**'s photograph and fingerprints were taken and entered into different law enforcement databases. Record checks revealed that **MERCEDES-Bueno** has prior immigration history.

9. As to **MERCEDES-Bueno**'s immigration history:

- a) On July 27, 2011, **MERCEDES-Bueno** was arrested by Border Patrol Agents from Ramey Station in a multi-agency operation in San Juan, Puerto Rico.
- b) On September 15, 2011, an Immigration Judge granted a voluntary departure to **MERCEDES-Bueno**.
- c) On October 13, 2011, **MERCEDES-Bueno** departed from the United States back to the Dominican Republic.
- d) On January 3, 2018, **MERCEDES-Bueno** was arrested by Border Patrol Agents from Ramey Station after he illegally re-entered the United States near Añasco, Puerto Rico. An Expedited Removal Order was issued against **MERCEDES-Bueno**.
- e) On February 6, 2018, **MERCEDES-Bueno** was physically removed from the United States back to the Dominican Republic.

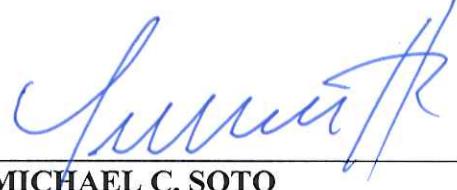
10. Border Patrol Agents advised defendant **MERCEDES-Bueno** of his right to legal representation and his right to speak with the Consul of his native country.

11. **MERCEDES-Bueno** re-entered the United States at a place other than a designated port of entry.

12. **MERCEDES-Bueno** does not have any immigration documents allowing him to enter and/or remain in the United States legally, and was not inspected, admitted or paroled into

the United States by an Officer of the Bureau of Customs and Border Protection and does not have any petitions pending with the Bureau of Citizenship and Immigration Services.

Based upon my training, experience, and participation in other investigations, and based on the facts revealed in this investigation, I believe that sufficient probable cause exists to demonstrate the commission of a violation of federal law by the above mentioned subject, to wit, a violation of Title 8, *United States Code*, Section 1326 (a).



MICHAEL C. SOTO
Border Patrol Agent

Subscribed and sworn before me, in San Juan, Puerto Rico, on this 30th day of April 2019.



BRUCE J. McGIVERIN
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF PUERTO RICO